

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John C. Nardi Art Unit: 1745  
Appln. No.: 09/213,544 Examiner: Carol Chaney  
Filing Date: December 17, 1998  
For: Alkaline Cell Having a Cathode Incorporating Enhanced Graphite

Commissioner for Patents  
Mail Stop RCE  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

## REQUEST FOR CONTINUED EXAMINATION

This Request for Continued Examination is being submitted under 37 CFR § 1.114, after the Decision on Appeal by the Board of Patent Appeals and Interferences mailed March 31, 2003, but before abandoning the application, filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or commencing a civil action.

Also being submitted herewith is a Declaration under 37 CFR § 1.132 and the RCE fee required under 37 CFR § 1.17(e).

No new amendments are being made as part of this submission. This submission includes new evidence. Applicant also requests that the following previously submitted papers, which are hereby incorporated by reference, be considered: the Declaration submitted with the Amendment filed on October 19, 2000, the Appeal Brief filed on January 16, 2001, the Amendment filed on May 11, 2001, and the Reply Brief filed on June 8, 2001.

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PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0661-0031  
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<b>Request For Continued Examination (RCE) Transmittal</b> Commissioner for Patents Mail Stop RCE P. O. Box 1450 Alexandria, VA 22313-1450	<b>Application Number</b>	09/213,544
	<b>Filing Date</b>	12/17/98
	<b>First Named Inventor</b>	John C. Nardi
	<b>Art Unit</b>	1745
	<b>Examiner Name</b>	Carol Chaney
	<b>Attorney Docket Number</b>	SP-0649.1 US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**a. ☒ Previously submittedi. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on 5/11/01  
(Any unentered amendment(s) referred to above will be entered).ii. ☒ Consider the arguments in the Appeal Brief or Rely Brief previously filed on 1/16/01 and 6/8/01iii. ☐ Other \_\_\_\_\_b. ☒ Enclosedi. ☒ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☒ Affidavit(s)/Declaration(s)iv. ☐ Other \_\_\_\_\_2. **Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)b. ☐ Other \_\_\_\_\_3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 05-1325i. ☒ RCE fee required under 37 CFR 1.17(e)ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)iii. ☒ Other Charge any additional fees or credit overpaymentb. ☐ Check in the amount of \$ \_\_\_\_\_ enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>Name (Print/Type)</b>	Russell H. Toye, Jr.	<b>Registration No. (Attorney/Agent)</b>	43,200
<b>Signature</b>	<i>Russell H. Toye, Jr.</i>	<b>Date</b>	5/2/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

<b>Name (Print/Type)</b>	Russell H. Toye, Jr.	<b>Date</b>	5/2/03
<b>Signature</b>	<i>Russell H. Toye, Jr.</i>		

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.